
CITY OF LONG BEACH

ZONING MEETING PACKET FOR November 8, 2017



CITY OF LONG BEACH
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
November 8, 2017
6:30 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. (Tabled from October 2017 meeting) Variance to construct a 24' x 36' detached garage to replace an existing garage 6 ft from the south side lot line and 5 ft from the north side lot line (min. 10 ft required) and possibly within the required setback from the road lot line (min. 30 ft required).
 - i. Applicant: Martin Olson
 - ii. Legal Description: Lot 5, Anton Pedersons 1st Subdivision
 - iii. Property Address: 18826 North Ridge Dr
 - iv. Parcel number(s): 24-0030-001
 - b. Conditional use permit for the outdoor display and sale of various items for sale, including but not limited to vehicles, trailers or other such items.
 - i. Applicant: Kevin Anderson
 - ii. Property Owner: Beverly Anderson
 - iii. Legal Description: Section 11, Twp 125, Range 38
 - iv. Property Address: None (corner of State Hwy 28 and Co Rd 24)
 - v. Parcel number(s): 24-0263-000, 24-0264-000, 24-0261-001
 - c. Variance to construct an approx. 16' x 20' storage building approx. 16 ft from Lake Minnewaska (min. 75 ft required) and a patio addition (for future conversion to an enclosed structure) with associated grading/fill approx. 18 ft from Lake Minnewaska (min. 75 ft required) on a lot that exceeds impervious coverage limits.
 - i. Applicant: Kenneth Moe
 - ii. Property Owner: Moe & Gerdes Properties
 - iii. Legal Description: Lot 1, Block One, Torguson Addition
 - iv. Property Address: 23583 North Lakeshore Drive
 - v. Parcel number(s): 24-0280-000
5. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
6. Other Business
7. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

STAFF REPORT

Application: Variance to construct a 24' x 36' detached garage to replace an existing garage 6 ft from the south side lot line and 5 ft from the north side lot line (min. 10 ft required) and possibly within the required setback from the road lot line (min. 30 ft required).

Applicant: Martin Olson

Background Information:

) **Proposal:** *This application was tabled at the October meeting to allow for the applicant to submit a revised plan that meets the 10 ft setback on the south side (which actually wouldn't need a new variance provided it met the requirements of the variance granted in August 2017) or to provide documentation of a permanent easement on the neighboring property to the south that provides for 10 feet of space between his proposed garage and buildings on the neighboring property. Staff has contacted the applicant, but not heard back from him, as of the writing of this report. The remainder of this staff report is the same as that presented for the October 2017 meeting.*

The applicant is proposing to replace an existing one-story detached garage that exists on the property now, with a new 24' x 36' one-story garage. The new garage would be located closer to North Ridge Drive than the existing garage, which will help to reduce impervious coverage on the lot (which already exceeds the maximum allowed by ordinance), but also result in the garage being closer to side lot lines due to a narrowing of the lot as it goes toward the road.

NOTE: This application is a resubmittal of the variance application that was reviewed in August 2017 and approved to be within 5 ft of the north side lot line setback, but meet the south lot line setback. After receiving that variance, the applicant had more conversations with both of his neighbors and determined that the garage would be too close to the north lot line and that the landowner to the south was more open to having the garage closer to his line than previously had been expressed. The new variance would replace the old variance. It would also change the size of the proposed garage from 26' x 36' to 24' x 36'.

The August 2017 variance approval was granted with the following conditions:

- 1. The garage be as close to the existing well head as possible.*
- 2. That gutter be installed to address storm water run-off.*
- 3. Minimum of a 10' set back to the south property line and 5' to the north property line.*
- 4. Silt fence must be installed during construction and until all areas are stabilized.*
- 5. The impervious coverage on the lot should be reduced to no more than 32% as a result of the construction.*
- 6. A site review is completed by one council member with Ben Oleson of Hometown Planning present with the proposed garage layout staked out.*

) **Location:**

- Applicant: Martin Olson
- Legal Description: Lot 5, Anton Pedersons 1st Subdivision
- Property Address: 18826 North Ridge Dr
- Parcel number(s): 24-0030-001

) **Zoning:** LD - Low Density Residential

] **Lake Designation:** General Development (Lake Minnewaska)

] **Parcel size:** Approx. 13,916 sq ft (Pope Co GIS estimate)

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subd. 1e. Nonconformities.

(f) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

City of Long Beach Zoning Ordinance

SECTION 6 - LD LOW DENSITY RESIDENTIAL DISTRICT

6.05: ACCESSORY USES. Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the LD District:

- R. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Section.

6.06: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the LD District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

B. Principal Structure Setbacks:

- 1. Front Yard: Thirty (30) feet.
- 2. Side Yard (not adjacent to street right-of-ways): Ten (10) feet
- 9. Minimum Structure Setback from Ordinary High Water (OHW) mark: Seventy-five (75) feet.

C. Accessory Structures Setbacks as regulated by Section 11:06 of this Ordinance.

6.07: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the LD District:

- A. The total impervious surface coverage on a lot shall not exceed twenty-five (25) percent.
- B. All single family detached and attached dwellings not exceeding four attached housing units shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

11.06: ACCESSORY STRUCTURES.

- E. No accessory building shall be constructed in the required front yard.
- F. Within the RR, LD, MHD, MD and RC districts no detached accessory building shall exceed 1,200 square feet. Lots of greater than 43,560 sq. ft. (one acre) shall be exempt from this standard.
- G. No lot shall have more than two (2) detached accessory buildings. Lots of greater than 43,560 square feet (one acre) shall be exempt from this standard.
- H. The same or similar exterior building color shall be used on the accessory building and the principal building. Agricultural buildings shall not be allowed in the CD, LD, MHD, MH or RC districts.
- J. Detached garage side walls shall not exceed twelve (12) feet and the height of the roof shall not be greater than that of the principal structure on the lot and they shall feature a roof pitch which is similar to that of the principal structure.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Current Zoning:

- Subject Property: LD – Low-Density Residential
- Surrounding Properties:
 - North and South: LD – Low-Density Residential
 - West: RC – Residential/Commercial
 - East: None (Lake Minnewaska)

2) Current Land Use:

- Subject Property: Single-family dwelling
- Surrounding Properties:
 - North and South: Single-family dwellings
 - West: Commercial (Minnewaska House Supper Club)
 - East: Lake (Lake Minnewaska)

3) Lot size: Approx. 38 ft. (width at road) x 50 ft (width at lake) x 300 ft. (13,916 sq ft).

- Existing impervious surface: Approx. 5,043 sq. ft. (36.2%)
- Proposed impervious surface: Approx. 4,369 sq. ft. (31.4%)

4) Sewer/Water: The property is served with City sewer/ water.

5) Natural Features:

- Floodplain: There are no mapped floodplains in the City of Long Beach. DNR regulations indicate that the lowest floor of structures be at least three (3) feet above the highest known water level of the lake. In this case, the lowest floor would need to be at an elevation of 1142.68 (1139.68 + 3 ft). The proposed garage would appear to be at an elevation of about 1152-1156 sq ft.
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes in the location of the proposed garage.
- Wetlands: There do not appear to be any wetlands on the property that would impact the proposed garage.

6) Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?

The general intent of the 10 ft side yard setback requirement side yard setback for structures is to maintain spacing between buildings on adjacent lots so as to ensure adequate light and space between buildings, prevent property line disputes, prevent the spread of fire and to provide adequate space to move and work around buildings without trespassing.

The proposed garage location would leave approx. 6 feet on the north side and 5 feet on the south side for such purposes. Generally, a minimum setback of at least 2-3 feet would be necessary to get a small lawn mower and/or to walk on one side of a building for maintenance purposes without. A setback of at least 5 feet would allow for use of ladders to assist in maintenance of the building and for larger riding lawnmowers and small vehicles (i.e. an ATV). A setback of at least 8-10 feet would be necessary to allow for emergency vehicles, well trucks or construction-related vehicles to access the lake side of the property.

7) Will the granting of the variance be consistent with the City of Long Beach's Comprehensive Plan?

The Comprehensive Plan does not directly address applications such as these.

8) Is the proposed use of the property reasonable?

The requested variance is reasonable in that it is not unusual for a landowner to desire or have a detached garage. However, the Council should discuss whether the proposed garage size is reasonable given the limitations of the lot.

9) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

The need for the variance would appear to primarily be related to the shape of the lot, which narrows somewhat as it approaches the road, where the garage is proposed.

10) Will the variance, if granted, alter the essential character of the locality?

The use of the property would remain very similar in character to what already exists. It would also more closely match the layout of detached garages on the two adjoining properties.

11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

Economic considerations do not appear to play a significant factor in the requested variance.

12) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

In order to avoid the need for the variance, the applicant would need to push the garage closer to the lake – similar to where the existing garage is now. Still, variances would likely be necessary in that location as well as the width is only approximately 43 feet (43 ft lot width – 24 ft garage width = 19 ft / 2 = 9.5 ft setback per side).

The other option would be for the garage to be reduced in width, so as to at least minimize the variance necessary – either to a smaller two-stall garage (i.e. 22 ft width) or to a single-stall garage (i.e. 14-20 ft width).

Staff Comments:

1. The existing impervious coverage on the lot exceeds the maximum 25% allowed. According to the applicant's calculations, the current coverage is 36%. The proposed coverage would be reduced to about 31% by bringing the garage closer to the road and eliminating the

existing detached garage and some of the current driveway area and restoring these areas back to grass.

2. The maximum sidewall height for the garage is 12 feet and the height cannot exceed that of the house.
3. Maintaining at least a 5 foot side yard setback would be preferable to the proposed 3 feet, if a 10 ft setback is found to be a practical difficulty.

Planning Commission/City Council Direction: The Commission/Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Staff Recommendation: Based on the findings noted above, Staff would recommend approval only if the Commission finds that reducing the width of the garage and/or sliding it further back in the lot is not feasible.

If the application is approved, Staff would recommend the following conditions of approval:

1. The garage be as close to the existing well head as allowed by MN Department of Health regulations.
2. That gutter be installed to address storm water run-off.
3. Minimum of a 10' set back to the south property line and 5' to the north property line.
4. Silt fence must be installed during construction and until all areas are stabilized.
5. The impervious coverage on the lot should be reduced to no more than 32% as a result of the construction.
6. A site review is completed by one council member with the Zoning Administrator present to verify that the layout of the garage on the property will comply with the conditions of the approval. The location shall be staked out by the applicant or their contractor prior to the site review.

OR

7. That the applicant has a lot survey completed indicating the actual setbacks to both side lot lines and the front lot line and the impervious coverage of the lot.



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:796	Date: 10/4/2017
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	

Pope County
Minnesota

Application/File # _____

Date Application Rec'd: Jul 17 2017
(for office use only)

Fee Collected \$ _____

VARIANCE APPLICATION

LONG BEACH MN

Site Address (E-911#):	Parcel Number (12 digits):
18826 N. RIDGE DRIVE	24-0030-001
Lake/River Name:	MINNEWASKA LAKE

Property Owner:

Name:	MARTIN OLSON Preferred Phone: (612) 865-6525 Secondary Phone: Email: MARTYOLSON@AOL.COM		
Mailing Address:	701 MARSH COURT EAGAN, MINNESOTA 55123		
Preferred Phone:	(320) 808-9585	Secondary Phone:	(320) 239-4860
		Email:	STARBUCKCONSTRUCTI ON@HCINET.NET

Primary Applicant Info (if different from property owner):

Applicant Is: OWNERS AGENT/CONTRACTOR		
JERRY KERKVLIT P.O. BOX 1 STARBUCK, MINNESOTA 56381		
Preferred Phone:	(320) 808-9585	Secondary Phone:
		(320) 239-4860
		Email:
		STARBUCKCONSTRUCTION@HCINET. NET

Other Applicants (if applicable):

Was there already a public hearing (i.e. variance, conditional use permit, etc.) related to your current application?

Date of previous public hearing:

Signature of Applicant*:

Date:

Signature of Title Holder*:

Date:

* By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the Zoning Administrator are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to 's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable local, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or

local agencies to make sure applicant has complied with all relevant Municipal, State, Federal or other applicable laws concerning applicant's project described above.

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions:

1. What type of variance are you requesting?

Side Yard Setback

2. What are you proposing for the property? State nature of request in detail:

Removing existing garage and slab and constructing a 24' x 36' post frame garage east of existing garage.

3. When do you anticipate beginning and completing the project?

Start Date: **2017-07-31**

Completion Date: **2017-07-24**

4. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the applicable ordinances.

I believe it would be in harmony with current ordinances other the side setback requirement,

5. Describe why you believe the granting of the variance would be consistent with the Comprehensive Plan.

Because any storm water runoff from this building would be further away from the lake than it is from the current garage.

6. Describe why you feel that your proposal is a reasonable use of the property.

The new structure would be replacing an existing structure and would be farther from the lake. It would also reduce the amount of impervious surface.

7. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

The property lines of the parcel come closer together as they get closer to the street (pie-shaped), and there is less of a grade on the east side, making it easier for excavation, building, and erosion control.

8. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

It would match current garages on the street.

9. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

Lot is too narrow.

10. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

None, same or less impact as current structure.

11. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

****If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:*** _____

12. Will the project involve grading or reshaping of the lot? **NO**

- Amount of material to be moved (cubic yards):
- Describe Temporary Erosion Control Measures: **SILT FENCE**
- Describe how vegetation will be re-established: **Lawn seeding (where mowable), and retaining wall.**

13. Please include any other comments relating to this request.

The neighbor to the east, Gary Wold has stated that he is NOT opposed to the variance.

Description of Request (be as specific as possible – dimensions, height, # bedrooms, etc.):

REMOVING EXISTING GARAGE AND SLAB AND CONSTRUCTING A 24' X 36' POST FRAME GARAGE EAST OF EXISTING GARAGE.

	STRUCTURE #1	STRUCTURE #2	STRUCTURE #3	STRUCTURE #4	STRUCTURE #5
Structure:	DETACHED GARAGE				
Improvement:	NEW CONSTRUCTION				
Use:	RESIDENTIAL				
Footprint:					
Height:	14'				
Dimensions:	24' X 36'				
Foundation:	POSTS OR PIERS				
Roof Pitch:	4IN12				
Sidewall Height:	10'				
Ceiling Height:					
Eaves > 2 feet:	NO				
Lowest Floor Elevation:	N/A				

General Structure Information:

Adding Bedroom(s):	NO	Total Bedrooms (Existing+New):		New Floor:	NO	Est. Project Cost:	
Demolition:		Pre-1978:		Lead License:			

When do you anticipate beginning and completing the project?

Start Date: **2017-07-31** Completion Date: **2017-07-24**

Contractors:

Type	Company Name/Main Contact	Phone	Email

Other Comments:

THE NEIGHBOR TO THE EAST, GARY WOLD HAS STATED THAT HE IS NOT OPPOSED TO THE VARIANCE.

Grading/Lot Preparation

Will the project expose soil to potential erosion (circle one)? **YES**

Area to be exposed: **UNDER 400 SQUARE FEET**

Detailed estimate of area to be exposed: **16 SQ.FT.
(POST HOLES)**

Within 200 ft of water?:

Stabilized within 24 hours?:

Width:

Length:

Depth:

Will the project expose soil to potential erosion (circle one)? **NO**

Purpose of alteration:

Amount of material moved:

Detailed estimate of material moved:

Above amount that is erodible:

Above amount that is non-erodible:

If yes, describe temporary erosion control measures
(e.g. silt fence, erosion control blanket, etc.):

SILT FENCE

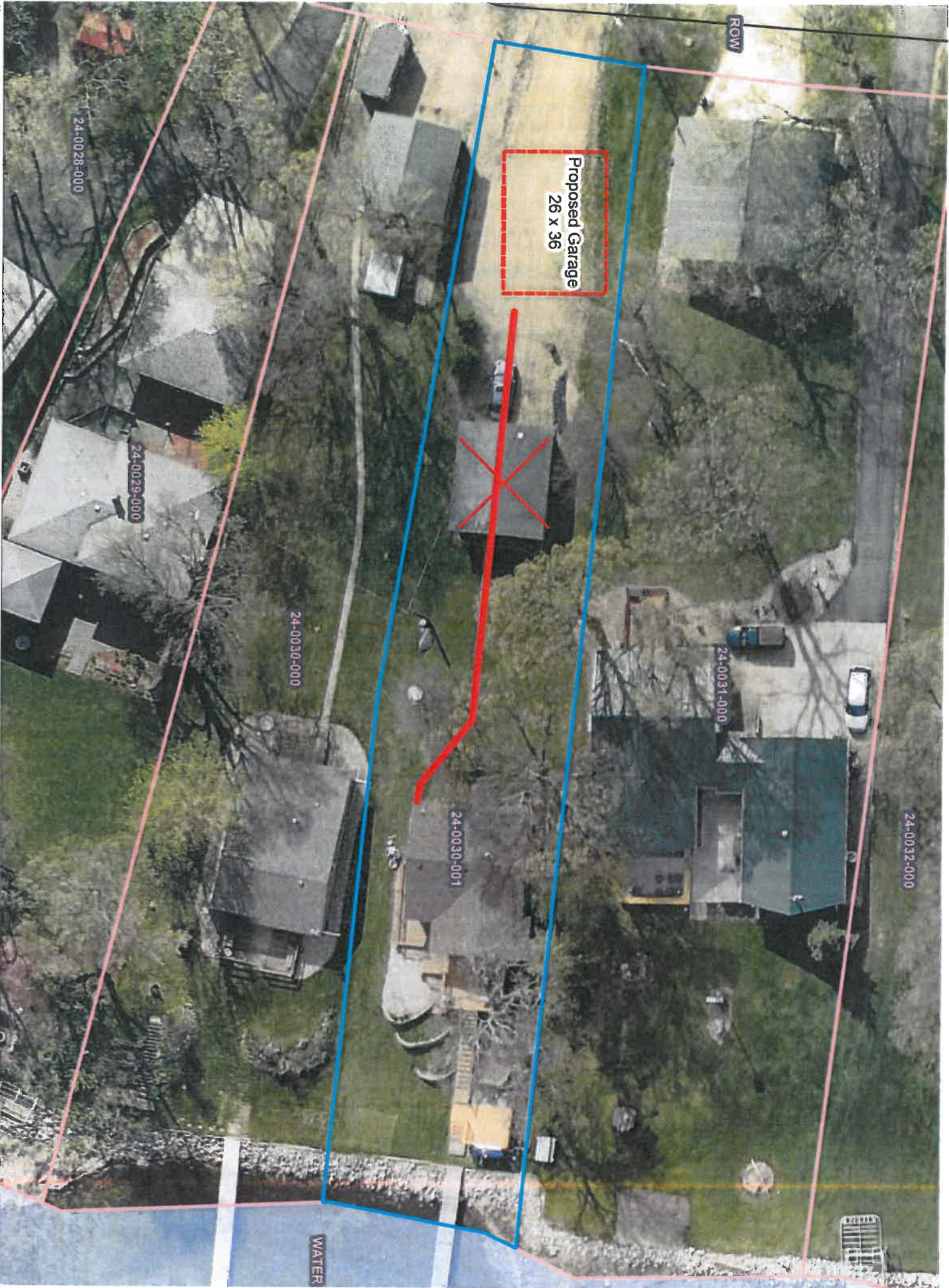
If yes, describe how disturbed area will be stabilized
permanently (e.g. sod, seed disturbed area, hydroseed,
permanent fixture such as patio, steps, etc.):

**LAWN SEEDING (WHERE MOWABLE), AND
RETAINING WALL.**

Will the exposed soil/excavation/grading be within a shore or bluff impact zone?:

Will the project be likely to direct more water/runoff to a neighboring property, a public right of way or water body
than occurred previously?: **NO**

What will you be doing to prevent additional water from affecting the neighboring property, right of way or water
body?:



Proposed Garage
26 x 36

ROW

24-0028-000

24-0029-000

24-0030-000

24-0030-001

24-0031-000

24-0032-000

WATER

STAFF REPORT

Application: Conditional use permit for the outdoor display and sale of various items for sale, including but not limited to vehicles, trailers or other such items.

Applicant: Kevin Anderson

Property Owner: Beverly Anderson

Background Information:

) **Proposal:** The applicant is proposing to operate a business on the subject property which would involve the outdoor display and sale of various items for sale, including but not limited to vehicles, trailers or other such items. No buildings would be constructed related to the business.

The applicant had applied last month for a rezoning of the property from LD - Low Density Residential to RC - Residential & Commercial Transition District. That application was approved, which means that the proposed use is now potentially allowable as a conditional use ("retail commercial activities").

The property is located at the intersection of State Highway 28 and County Road 24. There are large wetland areas located both across State Highway 28 to the south (zoned CD - Conservation, Parks & Open Space) and across County Road 24 to the north (zoned LD - Low Density Residential). Land to the west is outside of the city boundaries, and is zoned "Non-Intensive Agriculture" by Pope County. There is currently a dwelling on the property to the west - about 450 feet away.

) **Location:**

- o Legal Description: Section 11, Twp 125, Range 38
- o Property Address: None (corner of State Hwy 28 and Co Rd 24)
- o Parcel number(s): 24-0263-000

) **Zoning District:** RC - Residential & Commercial Transition District

) **Lake Designation:** Recreational Development Shoreland (Shallow Pond)

) **Parcel size:** Approx. 8.76 acres (Pope Co GIS estimate)

Applicable Statutes/Ordinances:

City of Long Beach Comprehensive Plan (2008)

The City's Comprehensive Plan ("Future Land Use" map) identifies the subject property as appropriate for "Low to Medium Density Residential"

Low to Medium Density Residential - This category depicts those areas that are now developed, or appropriate to be developed, in a low to moderate density residential manner; and to recognize such areas as primarily well suited for residential uses.

Other categories for future land use include:

Public/Governmental Facilities This category depicts those areas that are developed into governmental facilities such as city hall , schools and the DNR facilities.

Seasonal Recreational/Commercial - The District is to provide space for the resort areas and commercial properties within the community. This would include any expansion or new commercial activities.

Open Space/Golf Course - This land category includes either publicly or privately owned lands and/or facilities and may include parks, playgrounds, golf courses, wildlife management areas, recreation centers and similar uses.

City of Long Beach Zoning Ordinance

SECTION 9 - RC RESIDENTIAL & COMMERCIAL TRANSITION DISTRICT

9.01: PURPOSE. The purpose of the RC, Residential & Commercial Transition District is to provide locations for limited commercial development while providing for the orderly transition to residential from commercial uses.

9.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the RC District and are governed by Section 19 of this Ordinance:

P. Retail commercial activities provided that:

1. Merchandise is sold at retail.
2. The retail activity is not located within a structure whose principal use is residential.
3. No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
4. No drive thru windows permitted.

SECTION 19 - CONDITIONAL USE PERMITS

19.01: PURPOSE. The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety and to require conditions related to the establishment of said use necessary to carry out the intent and purpose of the Ordinance.

19.03: CRITERIA. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by State Statutes. At a minimum, the Planning Commission shall consider the following standards as it would apply to the particular use at the proposed location. The request:

- A. Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- B. Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.

- C. The proposed use is or will be compatible with the future land use map of the Comprehensive Plan of the City.
- D. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- E. The proposed use will not tend to or actually depreciate the area in which it is proposed.
- F. Will not be hazardous or disturbing to existing or future neighboring uses.
- G. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water, sewer systems, and schools.
- H. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- J. Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.
- K. Traffic generation by the proposed use is within capabilities of streets serving the property.
- L. Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.
- M. The proposed use conforms with all performance standards contained within this Ordinance.
- N. Will not result in the complete or extreme destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- O. Will conform to the type of uses that are generally permitted within the district.

19.04: CONDITIONAL APPROVAL. In recommending or approving any conditional use permit, the City may impose conditions which are considered necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance. These conditions may include but are not limited to the following:

- A. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- B. Negative or undue effects on nearby property as they may relate to off-street parking and loading areas, economic effects, noise, glare, or odor.
- C. The location and design of refuse and service areas as they may relate to the site, public right of ways and nearby properties.

- D. Location, availability and compatibility of utilities.
- E. Diking, fencing, berming, screening, landscaping or other facilities to protect adjacent or nearby property.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
- G. Required yard setbacks and other open space.
- H. General compatibility with adjacent and other property in the district.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Current Zoning:

- Subject Property: RC – Residential & Commercial Transition District
- Surrounding Properties:
 - North: LD – Low-Density Residential
 - South: CD - Conservation, Parks & Open Space
 - West: Not in City (Zoned “Non-Intensive Agriculture” by Pope County)
 - East: LD – Low-Density Residential

2) Current Land Use:

- Subject Property: Vacant (There is a parcel surrounded by the subject parcel that contains a single-family dwelling)
- Surrounding Properties:
 - North: Single-family dwelling/Contractor’s shop
 - South: Vacant (wetland)
 - West: Rural residential dwelling
 - East: Vacant (wetland)

3) Lot size: Approx. 8.76 acres

4) Sewer/Water: Any water on the property is private. The property is not currently served with city sewer. Connection to sewer is required for new homes or businesses, unless deemed unnecessary by the City Council.

5) Natural Features:

- Floodplain: There are no mapped floodplains in the City of Long Beach. DNR regulations indicate that the lowest floor of structures be at least three (3) feet above the highest known water level of the lake. In this case, the lowest floor would need to be at an elevation of 1142.68 (1139.68 + 3 ft). The elevation of the property ranges from 1146-1168 sq ft.

- Bluff/Steep Slopes: The property does not contain any bluffs. There are some relatively steep slopes on the west side of the parcel.
- Wetlands: There are wetlands on the property, but there is ample land on the parcel outside of these wetland for construction or outdoor storage.

6) Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City:

The primary potential from the proposed use for causing a detriment to the neighborhood or endangerment of public health or safety would be 1) if the site were to become an eyesore that devalued nearby property values and/or 2) if the site were to create pollution of soil/water or a traffic hazard due to traffic levels. The Commission should discuss these matters as part of its decision and consider conditions of approval to minimize their possibility.

7) Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.

See #6 above.

8) The proposed use is or will be compatible with the future land use map of the Comprehensive Plan of the City.

The Comprehensive Plan identifies this area as suitable for future residential use. However, the Plan also lists "Provide commercial areas for businesses which are vehicle oriented along State Highway 28/29" as an objective of the City (despite the fact that almost none of the Highway 28 frontage is identified for commercial use on the Future Land Use Map). This property is located along State Highway 28 where it intersects with County Road 24. The use of the property would be consistent with the recent zoning map amendment for this property – from residential to residential/commercial.

9) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.

See #6 above.

10) The proposed use will not tend to or actually depreciate the area in which it is proposed.

See #6 above.

11) Will not be hazardous or disturbing to existing or future neighboring uses.

See #6 above.

12) Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water, sewer systems, and schools.

The site is served by an existing access from County Road 24 on the north and abuts State Highway 28 on the south. City sewer is not currently available on the property, but would likely not be necessary given the proposed use. The site would need to be supplied with private water service, if necessary. The proposed use would not have any impact on the local school population and is suitably accessible by fire and police services.

- 13) **Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.**

See # 6 and #12 above.

- 14) **Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors**

See # 6 above.

- 15) **Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.**

The site is served by an existing access from County Road 24 on the north and abuts State Highway 28 on the south. The only vehicular access is from County Road 24 and traffic levels would likely be low, depending on how many items are displayed for sale at any one time.

- 16) **Traffic generation by the proposed use is within capabilities of streets serving the property.**

See #15 above.

- 17) **Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.**

The site is over 8 acres in size. The proposed use, according to the applicant, would likely stay on no more than one acre of the total site. Adequate off-street parking and loading space is available.

- 18) **The proposed use conforms with all performance standards contained within this Ordinance.**

The requirements of the ordinance for retail commercial activities are as follows:

1. Merchandise is sold at retail.
2. The retail activity is not located within a structure whose principal use is residential.
3. No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
4. No drive thru windows permitted.

It appears that all of these requirements will be met.

- 19) **Will not result in the complete or extreme destruction, loss or damage of a natural, scenic, or historic feature of major importance.**

The proposed use would not appear to have any impact on natural, scenic or historic features of major importance as none of these appear to exist on the property. The primary potential impact would be if the use caused pollution of soil/water/wetlands on or near the site.

20) Will conform to the type of uses that are generally permitted within the district.

“Retail commercial activities” are a conditional use in the subject zoning district, subject to specific standards mentioned above.

Staff Comments:

1. The primary potential from the proposed use for causing a detriment to the neighborhood or endangerment of public health or safety would be 1) if the site were to become an eyesore that devalued nearby property values and/or 2) if the site were to create pollution of soil/water or a traffic hazard due to traffic levels. The Commission should discuss these matters as part of its decision and consider conditions of approval to minimize their possibility.
2. Various other commercial uses could also be allowed on the site (via conditional use). These include, but are not limited to, restaurants, bars, motels/hotels, sexually oriented uses, offices, convenience stores, campgrounds and resorts. The suitability of the property for the proposed use can be compared to the potential impacts that would result from these other allowable uses.
3. The Commission/Council should determine whether sewer service is necessary for the proposed use.

Planning Commission/City Council Direction: The Commission/Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Staff Recommendation: Based on the findings noted above, Staff would recommend approval only if the Commission finds that the sufficient conditions are in place to prevent a detriment to surrounding land values, traffic congestion or pollution of the soil/water in the area.

If the application is approved, Staff recommends consideration of the following conditions of approval (or something similar):

1. That any signage be limited to that allowed by ordinance (currently, that “No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible” from the property).
2. That the number of vehicles (cars, trucks, motorcycles, RVs, ATVs) allowed to be displayed for sale or otherwise stored on the property at any one time be limited to no more than ten (10).
3. That all items displayed for sale or otherwise stored on the property shall be condensed into an area no greater than one (1) acre in size. Such area shall be set back from property lines abutting a public road or highway at least twenty (20) feet.
4. That the applicant provides a site and traffic circulation plan acceptable to the City Council showing display areas and areas suitable for customer parking and loading/unloading.

5. That no permanent buildings shall be constructed on the site, without the approval of the City Council.
6. That the applicant obtains all necessary permits from Pope County regarding access from County Road 24.
7. That no vehicular access be allowed from State Highway 28, unless specifically approved by the Minnesota Department of Transportation and the City Council.



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:3,315	Date: 10/4/2017
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	

Pope County
Minnesota

Application/File # _____

Date Application Rec'd ____/____/____
(for office use only)

Fee Collected \$ _____

CITY OF LONG BEACH, MN
Conditional Use Permit Application

Location:

- Legal Description: Section 11, Twp 125, Range 38
- Property Address: None (corner of State Hwy 28 and Co Rd 24)
- Parcel number(s): 24-0263-000

Tax Parcel Number (9 digits):

24 - 0263 - 000

Applicant Info:

Applicant Is:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Licensed Contractor	<input type="checkbox"/> Design Prof.	<input type="checkbox"/> Contract Buyer	<input type="checkbox"/> Other:
Name: <i>Kevin Anderson</i>					
Mailing Street Address: <i>24075 CR24</i>					
City: <i>Odenwald</i>		State: <i>MN</i>		Zip Code: <i>56334</i>	
Preferred Phone: <i>320 424-1249</i>		Secondary Phone:		Email:	

Property Owner (if different from applicant):

Name: <i>Ben Anderson</i>		
Mailing Street Address: <i>Same</i>		
City:	State:	Zip Code:

Signature of Applicant*:	<i>Kevin Anderson</i>	Date:	<i>10-16-17</i>
Signature of Title Holder*:	<i>Becky Anderson</i>	Date:	<i>10-16-17</i>

* By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all Long Beach and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the Long Beach Zoning Administrator are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to Long Beach's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable local, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or local agencies to make sure applicant has complied with all relevant Municipal, State, Federal or other applicable laws concerning applicant's project described above.

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions:

What are you proposing for the property? State nature of request in detail:

Display cars, Trucks, Campers?, Tractor?
Misc. Equipment/Vehicles we have for sale

What changes (if any) are you proposing to make to this site?

Grading/Land Alterations:

None other than a few Crappy cottonwood Trees to
take down.
Lot covered with Replaced concrete
(1 acre max)

Landscaping:

Building:

None

Parking:

Signs:

2 Max 4x8 1 on Highway - I'll take mine Down
1 on Gate at in-Drive

Other:

Please provide information regarding how your application will meet each of the following criteria in the City of Long Beach Zoning Ordinance for the granting of a conditional use permit (some criteria may not apply, depending on the nature of your request):

1. Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.

None

2. Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.

?

3. The proposed use is or will be compatible with the future land use map of the Comprehensive Plan of the City.

?

As Residential Houser kept to it.

4. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.

5. The proposed use will not tend to or actually depreciate the area in which it is proposed.

6. Will not be hazardous or disturbing to existing or future neighboring uses.

7. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water, sewer systems, and schools.

8. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

9. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

10. Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.

using existing one

11. Traffic generation by the proposed use is within capabilities of streets serving the property.

12. Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.

13. The proposed use conforms with all performance standards contained within this Ordinance.

14. Will not result in the complete or extreme destruction, loss or damage of a natural, scenic, or historic feature of major importance.

Few Cotton wood Trees to cut down

15. Will conform to the type of uses that are generally permitted within the district.

If in Shoreland Areas, please address how your application will meet the following criteria:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

2. The visibility of structures and other facilities as viewed from public waters is limited.

3. The site is adequate for water supply and on-site sewage treatment.

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

Please include any other comments related to your request:

STAFF REPORT

Application: Variance to construct an approx. 16' x 20' storage building approx. 16 ft from Lake Minnewaska (min. 75 ft required) and a patio addition (for future conversion to an enclosed structure) with associated grading/fill approx. 18 ft from Lake Minnewaska (min. 75 ft required) on a lot that exceeds impervious coverage limits.

Applicant: Kenneth Moe

Property Owner: Moe & Gerdes Properties

Background Information:

) **Proposal:** The applicant is proposing to construct a new 16' x 20' storage building and a patio addition that would eventually be converted to an enclosed structure approximately 16 and 18 feet from Lake Minnewaska (min. 50 ft required).

The site is already over its impervious limit of 25% and the proposed additional structures would further increase the coverage. Current coverage is about 55-60%.

) **Location:**

- o Applicant: Kenneth Moe
- o Property Owner: Moe & Gerdes Properties
- o Legal Description: Lot 1, Block One, Torguson Addition
- o Property Address: 23583 North Lakeshore Drive
- o Parcel number(s): 24-0280-000

) **Zoning:** RC - Residential/Commercial

) **Lake Designation:** General Development (Lake Minnewaska)

) **Parcel size:** Approximately 1.8 acres (from survey) - approx. 1.2 acres is located outside of the County Road right of way.

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the

variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subd. 1e. Nonconformities.

(f) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

City of Long Beach Zoning Ordinance

SECTION 9 - RC RESIDENTIAL & COMMERCIAL TRANSITION DISTRICT

9.06: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the RC District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

B. Principal Structure Setbacks:

7. Minimum Structure Setback from Ordinary High Water (OHW) mark: Seventy-five (75) feet.

9.07: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the RC District:

- A. The ground area of single family detached dwellings, including detached garages, and single-family attached dwellings not exceeding four housing units shall not exceed twenty-five (25) percent lot coverage.

- B. The total ground area of all other permitted residential buildings excluding single family detached dwellings and single-family attached dwellings not exceeding four housing units shall not exceed forty-five (45) percent lot coverage.
- C. The total ground area of a commercial structure, including accessory buildings, shall not exceed seventy-five (75) percent lot coverage.

SECTION 28 – SHORELAND MANAGEMENT OVERLAY DISTRICT

28.05: ZONING, WATER SUPPLY AND SANITARY SEWER PROVISIONS.

- B. Placement, Design, and Height of Structures.
1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.
 - a. Structure and On-site Sewage System Setbacks from Ordinary High Water Level*.

Classes of	Setbacks (in feet)*		
	Structures		Sewage Treatment
Public Waters	Unsewered	Sewered	System
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50

*One water-oriented accessory structure designed in accordance with Section 28.05 Letter B Number 2 of this Chapter may be set back a minimum distance of ten (10) feet from the ordinary high water level.

- d. Uses Without Water Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
2. Design Criteria For Structures.
 - a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows.
 - (1) For lakes, by placing the lowest floor at a level at least three feet (3') above the highest known water level, or three feet (3') above the ordinary high water level, whichever is higher.

- (3) Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
 - b. Water Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 28.05 Letter B Number 1 of this Chapter if this water-oriented accessory structure complies with the following provisions.
 - (1) The structure or facility must not exceed ten feet (10') in height, exclusive of safety rails, and cannot occupy an area greater than two hundred and fifty (250) square feet. Detached decks must not exceed eight feet (8') above grade at any point.
 - (2) The setback of the structure or facility from the ordinary high water level must be at least ten feet (10') and not in the bluff impact zone.
 - (3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
 - (4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
 - (5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - (6) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to four hundred (400) square feet provided the maximum width of the structure is twenty feet (20') as measured parallel to the configuration of the shoreline.
 3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed thirty-five feet (35') in height.
- E. Stormwater Management. The following general and specific standards shall apply.
 2. Specific Standards:
 - a. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Current Zoning:

- Subject Property: RC – Residential/Commercial
- Surrounding Properties:
 - North: RC – Residential/Commercial
 - South: LD – Low-Density Residential
 - West: CD – Conservation, Parks and Open Space
 - East: None (Lake Minnewaska)

2) Current Land Use:

- Subject Property: Bar/Restaurant
- Surrounding Properties:
 - North: Resort
 - South: Residential PUD
 - West: Lake (Shallow Pond)
 - East: Lake (Lake Minnewaska)

3) Lot size: Approx. 1.8 acres total (approx. 1.2 acres not including the County Road)

- Existing impervious surface: Approx. 55-60% (estimated from aerial photo)
- Proposed impervious surface: Approx. 55-60% (more than existing)

4) Sewer/Water: The property is served with City sewer and private water.

5) Natural Features:

- Floodplain: There are no mapped floodplains in the City of Long Beach. DNR regulations indicate that the lowest floor of structures be at least three (3) feet above the highest known water level of the lake. In this case, the lowest floor would need to be at an elevation of 1142.68 (1139.68 + 3 ft).
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes.
- Wetlands: There do not appear to be any wetlands on the property except those associated with the shoreline or lake itself.

6) Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?

The general intent of the 75 ft lake setback is to preserve more natural views from the lake, to allow for management of stormwater running off buildings and to protect buildings from damage to near-shore areas from ice pushes or wave action. The intent of the 25% impervious surface limit is to protect water quality by allowing space for water to infiltrate into the ground or be filtered through vegetation before it enters the lake.¹

¹ The City's ordinance identifies a 75 ft minimum setback from the ordinary high water level of the lake in the RC district and a 75% limit for impervious coverage for commercial uses. Section 28.05, however, relates to the shoreland districts and allows for a 50 ft lake setback when the lake is sewer and a maximum 25% impervious coverage

The proposed setback of 16-18 feet from the lake for a storage building and a current patio/future enclosed structure would not seem to meet the intent of the ordinance in that it would place structures very close to the lake. However, the existing bar/restaurant structure is also very close and has been grandfathered in. There is also very limited space on the property that would meet the setback requirement and serve the desired function. As such, the proposed uses would not have much additional impact on the view of the buildings/property from the lake. However, stormwater management would need to be implemented to achieve the intent of the ordinance for larger setbacks.

The proposed increase in impervious coverage on the lot is inconsistent with the ordinance in that the existing coverage already greatly exceeds the maximum allowed. Given that all of the existing impervious coverage, however, is a legal nonconformity in that it pre-existed the ordinance requirements, it may be possible to argue that adding additional impervious would be consistent with the ordinance provided that an equal amount of impervious that is being added is reduced elsewhere on the lot. The applicant has not proposed this "trading" of impervious coverage however, and it appears unlikely that they would be able to do so without losing needed parking area. Still, it may be possible to find some reductions.

10 ft side yard setback requirement side yard setback for structures is to maintain spacing between buildings on adjacent lots so as to ensure adequate light and space between buildings, prevent property line disputes, prevent the spread of fire and to provide adequate space to move and work around buildings without trespassing.

7) Will the granting of the variance be consistent with the City of Long Beach's Comprehensive Plan?

The Comprehensive Plan does not directly address applications such as these.

8) Is the proposed use of the property reasonable?

The requested variance is reasonable in that it is not unusual for a owner of a lakeshore-oriented restaurant/bar to seek additional outdoor seating areas and storage building area for equipment, etc. related to the business. However, the site already greatly exceeds the impervious limits allowed as well as the minimum setback requirements and any worsening of these situations could be deemed unreasonable.

9) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

The need for the variance would appear to primarily be related to the shape of the lot, and the pre-existing nature of the business and buildings on the property. However, the applicant is also asking for more building and closer setbacks to the lake that has historically existed.

10) Will the variance, if granted, alter the essential character of the locality?

regardless of the use being commercial or residential. Staff has adhered to the more restrictive of the standards in each case (75 ft lake setback, 25% impervious limit) in the writing of this staff report. Generally, when there is conflict, the more restrictive of the standards applies (Section 1.02.A of the Ordinance states "Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the Ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail."). Arguably however, the 50 ft lake setback could be what applies, but regardless, the proposal does not meet either a 50 or 75 ft lake setback.

The use of the property would remain very similar in character to what already exists. It would place more structure within the lake setback and further increase impervious coverage, however, which could be deemed a change in character.

11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

Economic considerations do not appear to play a significant factor in the requested variance, except in relation to the potential for increased business if the bar/restaurant addition is allowed. They have more to do with the location of the existing building, the size/shape of the lot and the historical use of the property prior to zoning requirements.

12) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

In order to avoid the need for the variance, the applicant would need, at a minimum, to have no net increase in impervious coverage. The lake setback variance appears to be unavoidable if it is to achieve its intended purposes.

Planning Commission/City Council Direction: The Commission/Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Staff Recommendation: Based on the findings noted above, Staff would generally recommend denial of the request given that it is making an already nonconforming situation even more nonconforming.

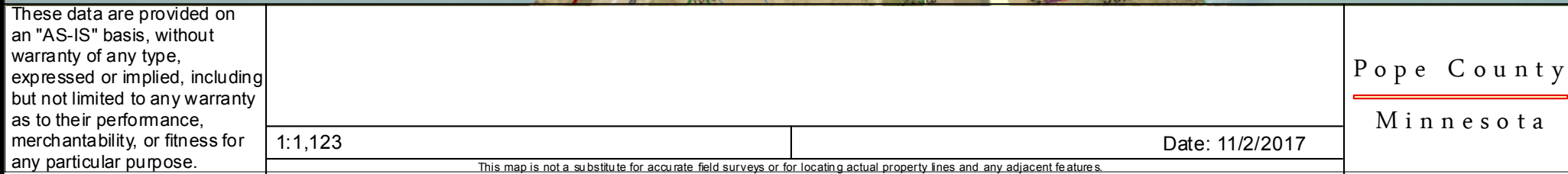
If the application is approved, Staff would recommend the following conditions of approval:

1. (Option 1) That an equal amount of impervious coverage that is proposed for addition to the property, be removed elsewhere from the property.

OR

(Option 2) That a stormwater management plan be implemented on the property, as designed by a professional, to manage at least a 1" rain from impervious surfaces on the lot equal to at least 2 times the square footage being added.

2. That the lakeside addition to the building be limited to an open patio or deck, and not be allowed to be roofed (except for the use of temporary awnings or pergola-type structures).
3. That the storage building be located no closer than 25 feet from the lake (i.e. out of the "shore impact zone" as defined by DNR regulations).



Application/File # _____

Date Application Rec'd: Sep 25 2017
(for office use only)

Fee Collected \$ _____

VARIANCE APPLICATION

LONG BEACH MN

Site Address (E-911#):	Parcel Number (12 digits):
23583 NORTH LAKESHORE DRIVE GLENWOOD MN	24-0280-000
Lake/River Name:	MINNEWASKA LAKE

Property Owner:

Name:	MOE & GERDES PROPERTIES LLC		
	Preferred Phone: (763) 228-0101 Secondary Phone: Email: INFO@CAPTAINSBARANDGRILL.COM		
Mailing Address:	23583 NORTH LAKESHORE DRIVE GLENWOOD, MINNESOTA 56334		
Preferred Phone: (763) 228-0101	Secondary Phone:	Email: INFO@CAPTAINSBARANDGRILL.COM	

Primary Applicant Info (if different from property owner):

Applicant Is: LEGAL ENTITY		
MOE & GERDES PROPERTIES LLC 23583 NORTH LAKESHORE DRIVE GLENWOOD, MINNESOTA 56334		
Preferred Phone: (763) 228-0101	Secondary Phone:	Email: INFO@CAPTAINSBARANDGRILL.COM

Other Applicants (if applicable):

Was there already a public hearing (i.e. variance, conditional use permit, etc.) related to your current application?

Date of previous public hearing:

Signature of Applicant*:



Date: 09/25/17

Signature of Title Holder*:

Date:

* By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the Zoning Administrator are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to 's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable local, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions:

1. What type of variance are you requesting?

Lake or River Setback

2. What are you proposing for the property? State nature of request in detail:

Patio expansion/addition & Storage shed build

- 1. Expand the current patio and construct it in a way so that a roof and full or partial enclosure can be completed in future. Rain gutter would be installed on existing building and rain gutter or drain tile added on edge of patio expansion and both would flow to a new rain garden.**
2. Build or place a storage shed the size of

3. When do you anticipate beginning and completing the project?

Start Date: **2018-05-01**

Completion Date: **2019-10-31**

4. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the applicable ordinances.
5. Describe why you believe the granting of the variance would be consistent with the Comprehensive Plan.

In Chapter 5 of our Comprehensive Plan we have City recommendations such as; encourage private sector rehabilitation and renovation of existing buildings, promote unified commercial and service promotional events to attract customers (patio expansion), promote lake oriented commercial uses to attract customers to the community, promote land uses that will reinforce business synergy, etc.

As part of the City of Long Beach Captains is a business that pays local, county & state taxes and permits that support the City's current structure and future growth. A rounded community needs successful businesses for employment, entertainment, community support, charitable contributions, support the "resort town" atmosphere, etc.

6. Describe why you feel that your proposal is a reasonable use of the property.

Property is a Bar & Grill on Lake Minnewaska. The busiest time of the year is the summer and that is when customers want to sit outside and dine. My largest competitor "Lakeside Ballroom" was allowed to reduce green space, expand their patio, add tiki bar area and add volleyball courts. This allows them to gain and host a larger share of potential business during summer time. As a business owner that is heavily taxed it is necessary to do everything possible to grow customer base during busiest times of the year.

7. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

Location to the lake. Please note that the area of the patio expansion will have water flow to rain garden as well as the lake shore is heavily populated with bull rushes and rock rip-rap is completed.

8. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

It should not affect the character of the property since this will not be visible from the road, the roof height will be lower than current roof peak, etc.

9. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

Presently the property is not large enough to do this any other way.

10. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

This will reduce green space between the bar and lakeshore. To minimize the effect I will install rain gutters on current building, install rain gutter or drain tile along edge of patio expansion and have all flow to a rain garden. This will reduce the amount of total impact by capturing the rain off the building as it is now. In addition I will reduce the slope from the building to the lakeshore which will allow for more rain water to be filtered prior to reaching the lake.

11. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

****If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:*** _____

12. Will the project involve grading or reshaping of the lot? **YES**

- Amount of material to be moved (cubic yards): **50 TO 500 CUBIC YARDS**
- Describe Temporary Erosion Control Measures: **FENCING BETWEEN PROJECT AND LAKE**
- Describe how vegetation will be re-established:

13. Please include any other comments relating to this request.

This is a project that is meant to help the business be profitable and sustainable for the long haul. Profitability will support continued prompt payment of taxes, fees, charitable gambling, licenses, permits, wages, etc. and support future Captains property improvements such as parking lot, siding, etc. Please note that the City of Glenwood, a boarder city, and the DNR allowed its only bar & grill on Lake Minnewaska to expand its outdoor operations and heavily reduce its green space. Captains will still have far more green space then the Lakeside Ballroom in Glenwood.

Description of Request (be as specific as possible – dimensions, height, # bedrooms, etc.):

PATIO EXPANSION/ADDITION & STORAGE SHED BUILD

- 1. EXPAND THE CURRENT PATIO AND CONSTRUCT IT IN A WAY SO THAT A ROOF AND FULL OR PARTIAL ENCLOSURE CAN BE COMPLETED IN FUTURE. RAIN GUTTER WOULD BE INSTALLED ON EXISTING BUILDING AND RAIN GUTTER OR DRAIN TILE ADDED ON EDGE OF PATIO EXPANSION AND BOTH WOULD FLOW TO A NEW RAIN GARDEN.**
- 2. BUILD OR PLACE A STORAGE SHED THE SIZE OF**

	STRUCTURE #1	STRUCTURE #2	STRUCTURE #3	STRUCTURE #4	STRUCTURE #5
Structure:	COMMERCIAL OR INDUSTRIAL BUILDING	DETACHED STORAGE BUILDING			
Improvement:	ADDITION TO EXISTING BUILDING OR STRUCTURE	NEW CONSTRUCTION			
Use:	COMMERCIAL OR INDUSTRIAL	COMMERCIAL OR INDUSTRIAL			
Footprint:					
Height:	20 FEET	MATCH EXISTING			
Dimensions:	115' LONG	16'X20'X8			
Foundation:	SLAB ON GRADE	SLAB ON GRADE			
Roof Pitch:		OTHER			
Sidewall Height:		MATCH EXISTING			
Ceiling Height:					
Eaves > 2 feet:	NO	NO			
Lowest Floor Elevation:	IN LINE WITH CURRENT BUILDING FOUNDATION AND PATIO				

General Structure Information:

Adding Bedroom(s):		Total Bedrooms (Existing+New):		New Floor:		Est. Project Cost:	
Demolition:		Pre-1978:		Lead License:			

When do you anticipate beginning and completing the project?

Start Date: **2018-05-01** Completion Date: **2019-10-31**

Contractors:

Type	Company Name/Main Contact	Phone	Email

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Other Comments:

THIS IS A PROJECT THAT IS MEANT TO HELP THE BUSINESS BE PROFITABLE AND SUSTAINABLE FOR THE LONG HAUL. PROFITABILITY WILL SUPPORT CONTINUED PROMPT PAYMENT OF TAXES, FEES, CHARITABLE GAMBLING, LICENSES, PERMITS, WAGES, ETC. AND SUPPORT FUTURE CAPTAINS PROPERTY IMPROVEMENTS SUCH AS PARKING LOT, SIDING, ETC. PLEASE NOTE THAT THE CITY OF GLENWOOD, A BOARDER CITY, AND THE DNR ALLOWED ITS ONLY BAR & GRILL ON LAKE MINNEWASKA TO EXPAND ITS OUTDOOR OPERATIONS AND HEAVILY REDUCE ITS GREEN SPACE. CAPTAINS WILL STILL HAVE FAR MORE GREEN SPACE THEN THE LAKESIDE BALLROOM IN GLENWOOD.

Grading/Lot Preparation

Will the project expose soil to potential erosion (circle one)? **YES**

Area to be exposed: **401 TO 5,000 SQUARE FEET**

Detailed estimate of area to be exposed:

Within 200 ft of water?:

Stabilized within 24 hours?:

Width: **15' AVERAGE**

Length: **115'**

Depth:

Will the project expose soil to potential erosion (circle one)? **YES**

Purpose of alteration: **CONSTRUCT A LEVEL/SLIGHTLY SLOPED CEMENT PAD**

Amount of material moved: **50 TO 500 CUBIC YARDS**

Detailed estimate of material moved: **I'M UNSURE**

Above amount that is erodible:

Above amount that is non-erodible:

If yes, describe temporary erosion control measures
(e.g. silt fence, erosion control blanket, etc.):

If yes, describe how disturbed area will be stabilized
permanently (e.g. sod, seed disturbed area, hydroseed,
permanent fixture such as patio, steps, etc.):

FENCING BETWEEN PROJECT AND LAKE

Will the exposed soil/excavation/grading be within a shore or bluff impact zone? **NOT SURE**

Will the project be likely to direct more water/runoff to a neighboring property, a public right of way or water body than occurred previously? **NO**

What will you be doing to prevent additional water from affecting the neighboring property, right of way or water body?:



Rain Gutter

Rain Garden

Shed

Patio Addition

Posts

Rain Gutter
or Drain Tile

29'

18'

16'

Distance from patio edge to cattails



Rain Gutter

20'

Shed

Rain Garden

8'

16'

Patio Addition

Posts

115'

Rain Gutter
or Drain Tile

